IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
LETTERS PATENT APPEAL NO.69 OF 2006
in
WRIT PETITION NO.2348 OF 2006

Dr.Dattatraya Babasaheb Vankhande. .. Appellant.

Vs.

Pimpri Chinchwad Municipal Corporation
& Others. .. Respondents

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Shri Ajay Bhatewara for the appellant.

Shri R.V.More for the respondents.

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CORAM : R.M.S.KHANDEPARKAR &
S.R.SATHE, JJ.

DATED : 17TH APRIL, 2006

P.C.

1. Heard the learned advocates for the parties.

2. The appellant challenges the order dated 5th April, 2006 passed by the learned Single Judge in Writ Petition No.2348 of 2006. The said petition was filed against the order dated 10th March, 2006 passed by the Industrial Court, Pune, in Complaint ULP No.216 of 2005. By the said order, the Industrial Court has rejected the application for interim relief in the

said complaint. While rejecting the application for interim relief, the Industrial Court has clearly observed that the applicant is acting in a supervisory and managerial capacity and further that the appellant was appointed on leave vacancy medical officer post on the terms and conditions mentioned in the appointment letter and he had accepted the same and served with the respondent No.1 accordingly on temporary basis. Considering the same, relief in the nature of restraining the respondents from terminating his services was refused. The status of the applicant whether he is entitled for permanency in the post which he was occupying is to be adjudicated upon by the concerned authority. Once the records clearly disclose that the appellant was appointed on leave vacancy, question of giving direction in the nature asked for does not arise. Considering the same, no fault can be found in the impugned order passed by the learned Single Judge and as there is no case made out for interference in the Letters Patent Appeal, the same is rejected.

(R.M.S.KHANDEPARKAR, J)

(S.R.SATHE, J)